

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

ERIC FLORES,

Plaintiff,

v.

**UNITED STATES ATTORNEY
GENERAL, and FEDERAL BUREAU OF
INVESTIGATION,**

Defendant.

**REPORT & RECOMMENDATION FOR
ORDER OF DISMISSAL**

Case No. 2:13-cv-00391

District Court Judge Robert J. Shelby

Magistrate Judge Dustin B. Pead

This case is currently before United States Magistrate Judge Dustin Pead on a 28 U.S.C. §636(b)(1)(B) referral from District Court Judge Robert Shelby (doc. 4).

On June 3, 2013, Plaintiff Eric Flores (“Mr. Flores”) filed his complaint against Defendants the United States Attorney General and the Federal Bureau of Investigation (“Defendants”) (doc. 3). On July 29, 2014, this court issued an Order To Show Cause (doc. 7) requesting that Mr. Flores explain why his case should not be dismissed for failure to effect service within 120 days after his Complaint was filed. *See* Fed. R. Civ. P. 4(m) (if defendant is not served within 120 days after the complaint is filed, the court “must dismiss the action without prejudice against that defendant or order that service be made within a specified time”).¹

Mr. Flores has not responded to the court’s Order To Show Cause within the time designated and has failed to appraise the court of his intentions to proceed. Moreover, Mr. Flores

¹On April 2, 2014, Mr. Flores lodged a document seeking, pursuant to 28 U.S.C. §1407, to consolidate his Utah and California based cases in the District of the District of Columbia (doc. 6). However, on August 12, 2014, the United States Judicial Panel on Multidistrict Litigation issued an Order denying Mr. Flores’ request for centralization of these cases. *See* MDL No. 2550, “Order Denying Transfer” .

has failed to serve his complaint on the Defendants consistent with the requirements of Federal Rule of Civil Procedure 4(m).

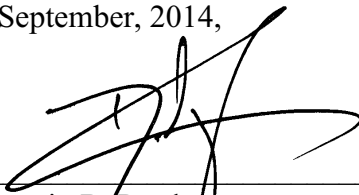
Accordingly, this court hereby recommends that Mr. Flores' case be dismissed for failure to prosecute. Copies of the foregoing report and recommendation shall be mailed to all parties who are hereby notified of their right to object. Any objection must be filed within fourteen (14) days after being served with a copy. *See* Fed. R. Civ. P. 72(b)(2). Failure to object may constitute a waiver of objections upon subsequent review.

In addition to Defendants, the clerk's office is directed to mail a copy of the Report and Recommendation to Mr. Flores at the addresses of record listed in this case:

Eric Flores
11669 Gwen Evans Lane
El Paso, Texas 79936

Eric Flores
General Delivery
8401 Boeing Drive
El Paso, Texas 79910

DATED this 3rd day of September, 2014,



Dustin B. Pead
U.S. Federal Magistrate Judge